

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Crim. No.: 3:05-cr-30086-GPM-2
	)	
EDUARDO ARELLANO ROJAS,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court on the Motion to Reconsider Bond filed by the defendant, Eduardo Arellano Rojas, on July 25, 2005 (Doc. 305). For the reasons set forth below, the motion is **DENIED**.

**BACKGROUND**

The defendant seeks a reconsideration of the Detention Order (Doc. 120) which detained the defendant pending trial. 18 U.S.C. §3142(e). In his motion, the defendant asserts that detention should reconsidered, and a bond should be set, because he “was never afforded the opportunity to present evidence that he is a landowner”; because discovery reveals that he was not in “actual” possession of narcotics; that the evidence against him is based on information provided by informants and persons “‘working’ off charges”; because he may have medical needs; and because he is the father of three children.

**DISCUSSION**

18 U.S.C. §3142(f) provides:

The [detention] hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that

will reasonably assure the appearance of such person as required and the safety of any other person and the community.

It is unclear how any of the reasons to reconsider detention provided by the defendant are based on information that was not known during the hearing. The hearing in this matter occurred on April 25, 2005. At that time, the defendant knew that he had property, he knew that he was undergoing medical treatment, and he knew that he had three children. Information concerning his property and children were included on the defendant's financial affidavit. (Doc. 56) The defendant was given an opportunity to present evidence and to make arguments regarding these matters during the detention hearing. With respect to the "belief" of counsel that the evidence against this defendant is not credible, such an argument does not belie this court's finding that this defendant has no ties to the community and that the charged offense involves a large amount of narcotics.

With respect to the defendants medical issues, it is the Court's understanding, after speaking with the U.S. Marshal, that he is currently receiving medical care where he is housed. If he is not receiving adequate treatment, he may file a motion, with supporting facts, requesting to be transferred to a medical facility (or whatever other relief he may require).

For the foregoing reasons, the Motion to Reconsider Bond filed by the defendant, Eduardo Arellano Rojas, on July 25, 2005 is **DENIED** (Doc. 305).

**DATED: August 3, 2005**

**s/ Donald G. Wilkerson**  
**DONALD G. WILKERSON**  
**United States Magistrate Judge**